

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYRUS Y. KIM,) No. C08-0688JLR
v. Plaintiff,)
CITY OF FEDERAL WAY,) ORDER
Defendant.)

This matter comes before the Court under Local General Rule 8(c). Plaintiff has filed a third “Motion for Recusal” in the above-captioned matter. Dkt. # 34. Plaintiff argues that the Honorable James L. Robart, United States District Judge, incorrectly decided a discovery dispute, “giving unfair advantage, favor, and preference to the defendant.” Dkt. # 34 at 1. Judge Robart declined to recuse himself voluntarily and referred the matter to the Chief Judge. Dkt. # 40. Plaintiff’s request is therefore ripe for review by this Court.

Plaintiff simply disagrees with the presiding officer's resolution of a discovery dispute: such challenges are properly raised through an appeal, not a motion to recuse. Where the only evidence of bias presented is the judge's prior decisions, the risk that the litigant is using the recusal motion for strategic purposes is considerable. See Ex Parte American Steel Barrel Co. and Seaman, 230 U.S. 35, 44 (1913). Plaintiff has not shown that Judge Robart's decisions were so contrary to law or fact that they must be the result of prejudice, nor has he

ORDER

1 identified an extrajudicial source of prejudice. He has therefore not met his burden of showing
2 an appearance of bias. Because Judge Robart's impartiality cannot reasonably be questioned,
3 plaintiff's request to remove Judge Robart from this matter is DENIED.

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5 Dated this 27th day of April, 2009.

6

7 Robert S. Lasnik

8 Robert S. Lasnik
9 Chief Judge, United States District Court